

DOCKET NUMBER 103

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8 **UNITED STATES BANKRUPTCY COURT**
9 **FOR THE SOUTHERN DISTRICT OF CALIFORNIA**
10

11 In Re:

12 FRANCIS J. LOPEZ,

13 Alleged Debtor.

) Case No. 05-05926-PBINV
)
)

) Involuntary Chapter 7
)
)

) **AMENDED NOTICE OF WITHDRAWAL**
) **OF PETITIONING CREDITORS' MOTION**
) **FOR AN ENFORCEMENT ORDER:**
) **(1) STRIKING THE DEBTOR'S ANSWER;**
) **(2) ENTERING AN ORDER FOR RELIEF;**
) **AND (3) IMPOSING MONETARY**
) **SANCTIONS AGAINST THE DEBTOR;**
) **AND REQUEST TO TAKE HEARING OFF**
) **CALENDAR**
)
)

18) **[BIFURCATED PHASE II]**
)
)

19) Date: May 11, 2007
)

20) Time: 9:30 a.m.
)

21) Judge: The Honorable Peter W. Bowie
)

22) Ctrm: 4
)
)

23 **TO: THE HONORABLE PETER W. BOWIE, JUDGE OF THE UNITED STATES**
24 **BANKRUPTCY COURT, CLERK OF THE COURT, ALL PARTIES-IN-**
25 **INTEREST AND THEIR ATTORNEYS OF RECORD:**

26 PLEASE TAKE NOTICE that Petitioning Creditors respectfully withdraw their Motion for
27 an Enforcement Order: (1) Striking the Debtor's Answer; (2) Entering an Order for Relief; and (3)
28 Imposing Monetary Sanctions Against the Debtor (the "Motion"), filed on April 13, 2007, as
Docket Entry No. 97. The Motion is withdrawn in light of the letter dated April 18, 2007, from

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1 M. Jonathan Hayes, attorney for the Debtor, to L. Scott Keehn, attorney for the Petitioning
2 Creditors, a copy of which is attached hereto marked Exhibit "A" and incorporated herein by this
3 reference. The Petitioning Creditors withdraw the Motion without prejudice, and with a full
4 reservation of their rights, including but not limited to, their right to object to the substantive
5 sufficiency of discovery responses received.

6 The Petitioning Creditors hereby respectfully request that the hearing on the Motion,
7 currently scheduled for May 11, 2007, at 9:30 a.m., in Department 4, Room 328 of the Jacob
8 Weinberger United States Courthouse, located at 325 West "F" Street, San Diego, California
9 92101, be taken off calendar.

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11 Dated: April 18, 2007

KEEHN & ASSOCIATES
A Professional Corporation

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14 By: //s// L. Scott Keehn
15 L. Scott Keehn
16 Attorneys for **Petitioning Creditors**
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EXHIBIT “A”

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April 18, 2007

By Fax only 619 400-2201

L. Scott Keehn

Keehn & Associates

402 W Broadway Ste 1210

San Diego, CA 92101

Re: In re Francis Lopez,
Case No. 05-05926-PBINV
Discovery Responses

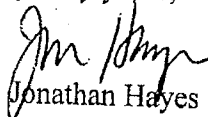
Dear Scott,

Per our telephone conversation yesterday, my son Desmond mailed the discovery responses to you on April 11, 2007. I remember looking at the thick envelope that morning to make sure we had your new address. I do not have a postage machine. We use the one in the suite I am in. I checked with them about whether the date can even be "backdated." I learned that it can be advanced to a future date but not reversed.

Anyway, we certainly mailed the responses on time. You told me that with this letter you would take the Motion to Strike the Answer off calendar. This does not waive any rights you may have re the substance of the responses.

If you have any questions, please do not hesitate to call.

Very truly yours,


M. Jonathan Hayes

MJH/dh
Cc: Francis Lopez